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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

• • • •

MARK ENGLAND

## Plaintiffs

VS

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT (LVMPD), a Political  
Subdivision of the STATE OF NEVADA;  
Police Officers JENNINGS (LVMPD  
#6178); CLARK (LVMPD #6240);  
individually and as Police Officers employed  
by the LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT; POLICE  
OFFICER; JOHN DOES I-XX; and  
OFFICER DOES I-XX inclusive.

## Defendants.

Case No.: 2:07-cv-01238-BMB-CWE

**PLAINTIFF MARK ENGLAND'S**  
**EMERGENCY MOTION FOR**  
**EXCEPTION TO THE PERSONAL**  
**ATTENDANCE REQUIREMENT AT THE**  
**SETTLEMENT CONFERENCE**  
**SCHEDULED FOR AUGUST 11, 2014**

COMES NOW, Plaintiff, MARK ENGLAND, by and through his attorney of record,

CAL POTTER, ESO, of POTTER LAW OFFICES and E. BRENT BRYSON, ESO, and

hereby submits this Request for Exception of Attendance at the Settlement Conference

Scheduled for August 11, 2014, due to the brief period of time before the conference, must be filed on an emergency basis.

8

This Motion is made and based upon the attached Memorandum of Points and Authorities, the papers and pleadings on file herein, and the declaration of counsel attached hereto.

DATED this 7th day of August, 2014

## POTTER LAW OFFICES

By /s/ C. J. Potter, IV, Esq.  
CAL J. POTTER, III, ESQ.  
Nevada Bar No. 1988  
C. J. POTTER, IV, ESQ.  
Nevada Bar No. 13225  
1125 Shadow Lane  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiff*

**DECLARATION OF C. J. POTTER, IV, ESQ. IN SUPPORT OF PLAINTIFF'S**  
**MOTION FOR EXCEPTION TO THE PERSONAL ATTENDANCE REQUIREMENT**

STATE OF NEVADA

COUNTY OF CLARK } ss.

C. J. POTTER, IV, ESQ., being first duly sworn upon oath, deposes and states:

1. Your Declarant is an attorney duly licensed to practice law in the State of Nevada with his offices located at 1125 Shadow Lane, Las Vegas, Nevada;
  2. That your Declarant is an attorney whom practices with Cal J. Potter, III, Esq., one of attorneys of record for the Plaintiff, and as such your Declarant is competent to testify as to the matters set forth herein;
  3. That this Declaration is made in support of Plaintiff's Motion for an Exception to the Attendance Requirement at the Settlement Conference scheduled for August 11, 2014;
  4. That the Settlement Conference is Scheduled for Monday, August 11, 2014, and due to the brief period of time before the conference, must be filed on an emergency basis;
  5. That you Declarant has learned that Mark England is presently serving on "Drill Weekend Status" for the U.S. Army National Guard in his capacity as a combat medic;
  6. That Plaintiff's service requires him to be physically present in a remote location in Arkansas:

7. That as a result of Plaintiff's "Drill Weekend Status", Plaintiff cannot travel to Las Vegas to attend the settlement conference in person;
8. That Plaintiff is available to participate telephonically in the settlement conference;
9. That your Declarant provides this Declaration under the pains and penalties of perjury under the law of the State of Nevada that the foregoing is true and correct.

/s/ C. J. Potter, IV, Esq.  
C. J. POTTER, IV, ESQ.

## **MEMORANDUM OF POINTS AND AUTHORITIES**

8 As detailed in the declaration of counsel, Mark England is presently serving on "Drill  
9 Weekend Status" for the U.S. Army National Guard in his capacity as a combat medic. As a result  
10 Plaintiff is unable to travel to Las Vegas to be physically present at the settlement conference.  
11 However, Mr. England is able to attend the conference telephonically. Accordingly, Plaintiff  
12 respectfully requests that this Court allow Mr. England to attend the settlement conference by  
13 telephone.

DATED this 7th day of August, 2014

## POTTER LAW OFFICES

By /s/ C. J. Potter, IV, Esq.  
CAL J. POTTER, III, ESQ.  
Nevada Bar No. 1988  
C. J. POTTER, IV, ESQ.  
Nevada Bar No. 13225  
1125 Shadow Lane  
Las Vegas, Nevada 89102  
*Attorneys for Plaintiff*

## ORDER

IT IS SO ORDERED that, good cause appearing therefore, the Plaintiff MARK ENGLAND's personal attendance at the settlement conference on August 7th, 2014 at 9:00 a.m. is waived and Plaintiff is permitted to attend by telephone.

DATED this 8th day of August , 2014.

George Foley Jr.  
U.S. MAGISTRATE JUDGE FOLEY

1                   CERTIFICATE OF SERVICE

2                   Pursuant to FRCP 5(b), I certify that I am an employee of POTTER LAW OFFICES, and  
3                   that, on this 7<sup>th</sup> day of August, 2014, I electronically filed and sent electronic notification through  
4                   the CM/ECF filing process a true copy of the **PLAINTIFF MARK ENGLAND'S**  
5                   **EMERGENCY MOTION FOR EXCEPTION TO THE PERSONAL ATTENDANCE**  
6                   **REQUIREMENT AT THE SETTLEMENT CONFERENCE SCHEDULED FOR AUGUST**  
7                   **11, 2014** addressed to:

8                   Craig R. Anderson, Esq.  
9                   MARQUIS, AURBACH, COFFING  
10                  10001 Park Run Drive  
11                  Las Vegas, Nevada 89145  
12                  Ph: (702) 382-0711  
13                  Fax: (702) 382-5816

14                  \_\_\_\_\_  
15                  /s/ Jenna Enrico  
16                  An Employee of POTTER LAW OFFICES